
UTAH LABOR COMMISSION

TRAVIS D. RIFFLE,

Petitioner,

vs.

**UNION DRILLING INC and AMERICAN
HOME ASSURANCE COMPANY,**

Respondents.

**ORDER DISMISSING
MOTION FOR REVIEW**

Case No. 06-0408

Travis D. Riffle asks the Utah Labor Commission to review Administrative Law Judge Lima's denial of Mr. Riffle's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63G-4-301 and § 34A-2-801(3).

BACKGROUND AND ISSUES PRESENTED

On November 28, 2006, Judge Lima issued her decision denying Mr. Riffle's claim for workers' compensation benefits arising out of an alleged work-accidents at Union Drilling on June 7 and July 20, 2005. On October 6, 2008, Mr. Riffle filed a motion requesting Commission review of Judge Lima's decision. Specifically, Mr. Riffle alleged that Judge Lima's conduct during the hearing on his claim was improper and that the workers' compensation system should pay for his ongoing medical needs. Mr. Riffle also asserts that the reason his motion for review was filed so long after Judge Lima issued her decision is that he did not actually receive the decision until July 2008.

DISCUSSION AND CONCLUSIONS OF LAW

Section 63G-4-301 of the Utah Administrative Procedures Act allows a party dissatisfied with an ALJ's decision 30 days in which to file a motion for review with the Labor Commission. A motion for review is not "filed" until it is actually received by the Labor Commission. The Commission has no jurisdiction to consider untimely motions for review. Consequently, before the Commission can consider the substantive issues raised in Mr. Riffle's motion for review, the Commission must first determine whether the motion for review was timely filed.

Judge Lima issued her decision in this matter on November 28, 2006. Mr. Riffle did not file a motion for review until October 6, 2008. Obviously, the motion for review was not filed within 30 days of the ALJ's decision. Mr. Riffle seeks to excuse his untimely filing by arguing that he did not actually receive the ALJ's decision until sometime in July 2008. Even if that is true, Mr. Riffle still waited more than two months to file his motion for review. Under these circumstances, the

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Commission concludes that Mr. Riffle's motion for review was untimely. The Commission therefore lacks jurisdiction to consider this matter further.

ORDER

The Labor Commission dismisses Mr. Riffle's motion for review as untimely. The prior decision of the ALJ remains in effect. It is so ordered.

Dated this 30th day of October, 2008.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.

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